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OFFICE OF PETITIONS

In re Application of :
Carmon et al. : DECISION GRANTING PETITION
Application No. 10/747,767 :
Filed: 29 December, 2003 :
Attorney Docket No. 439/1 :

This is a decision on the petition filed on 18 August, 2004, which is treated as a petition requesting that the above-referenced application be accorded a filing date of 29 December, 2003, with Figure 3 as a part of the original disclosure.

The petition is **GRANTED**

The application was filed on 29 December, 2003. On 12 April, 2004, Initial Patent Examination Division mailed a "Notice to File Corrected Application Papers," stating that the application had been accorded a filing date of 29 December, 2003, and stating that Figure 3 described in the specification appeared to have been omitted from the application. An abstract of the technical disclosure in accordance with 37 CFR 1.72(b) was also required.

In response, on 18 August, 2004, the present petition was filed, accompanied by, *inter alia*, one (1) sheet of drawings containing Figure 3, the abstract, a three (3) month extension of time, and the petition fee. Petitioners assert that Figure 3 described in the specification was included in the Israeli priority document filed concurrently with the original application papers on 29 December, 2003.

A review of the priority document submitted on 29 December, 2003, reveals that it does include one (1) sheet of drawings containing Figure 3 which appears to be identical to the one (1) sheets of drawings containing Figure 3 which was intended to be filed on 29 December, 2003, and which appears to correspond to the figures

described in the specification. Accordingly, on petition, the drawings of Figure 3 in the Israeli priority document will be construed as the drawing of Figure 3 described in the specification for filing date purposes.

The copy of Figure 3 supplied with the present petition will be used for processing and examination. As the Notice correctly stated that Figure 3 *appeared* to have been omitted, the petition fee of \$130.00 will not be refunded.

Petitioners' statements in the petition are being construed as a statement in accordance with 37 CFR 1.52(d) that the copy of Figure 3 is a complete copy of Figure 3 included in the Israeli priority document filed with the original application papers. Petitioners **must** inform the Office if this is an incorrect interpretation.

The application will be processed and examined with a filing date of 29 December, 2003, using the application papers filed on 29 December, 2003, and the copy of one (1) sheet of drawings containing Figure 3 supplied on 18 August, 2004.

The application file is being forwarded to Office of Initial Patent Examination for further processing with a filing date of 29 December, 2003, using the application papers filed on that date, and the copy supplied with the present petition of the one (1) sheet of drawings containing Figure 3 located in the Israeli priority document filed with the original application papers.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood
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